

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BEATRICE HUDSON,)
)
Plaintiff,) 8:05cv270
)
vs.) MEMORANDUM AND ORDER
)
CITY OF OMAHA,)
)
Defendant.)

This matter is before the court on filing no. 9, the Memorandum and Order in which Magistrate Judge F. A. Gossett directed the plaintiff to pay the filing fee in this case by October 28, 2005, in the absence of which this case would be subject, without further notice, to dismissal without prejudice for lack of prosecution. The plaintiff has not paid the filing fee, and the deadline set in filing no. 9 has expired. Pursuant to 28 U.S.C. § 1915(e)(2), and because the plaintiff has failed to prosecute this case with diligence, the plaintiff's complaint and the above-entitled case are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 8th day of November, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge